

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. CR06-0161-RSM-JPD
v.)
DANIEL LOGAN McCOMAS,) SUMMARY REPORT OF U.S.
Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

An evidentiary hearing on a petition for violation of supervised release in this case was scheduled before the undersigned Magistrate Judge on November 9, 2006. The United States was represented by Assistant United States Attorney Jill Otake, and the defendant by Mr. Peter Avenia. The proceedings were recorded on cassette tape.

The defendant had been charged and convicted of three (3) cases of Bank Robbery, and on or about September 22, 1995, was sentenced in the Northern District of Florida to 125 months in custody, to be followed by three (3) years of supervised release, and served concurrently.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, substance-abuse treatment participation, financial disclosure, restitution in the amount of \$2,951.40, consent to search, remain gainfully employed, if receiving an annuity of \$203.28, to pay a fine of \$203.28.

On May 9, 2006, jurisdiction of this case was transferred from the Northern District of Florida and accepted in the Western District of Washington on May 16, 2006.

**REPORT AND RECOMMENDATION OF
U.S. MAGISTRATE JUDGE AS TO ALLEGED
VIOLATIONS OF SUPERVISED RELEASE**

01 In a Petition for Warrant or Summons dated October 13, 2006, U.S. Probation Officer
02 Jennifer J. Tien alleged the following violations by defendant of the conditions of his
03 supervised release:

04 (1) Using opiates on or before March 22, 2006, in violation of standard condition
05 number 7.

06 (2) Failing to report for urinalysis testing as instructed, on March 31, 2006, in
07 violation of special condition of drug aftercare.

08 (3) Associating with individuals involved in criminal activity from October 2005
09 until May 2006, in violation of standard condition number 9.

10 (4) Failing to attend Moral Reconation Therapy (MRT) group as instructed by his
11 probation officer, in violation of standard condition number 3.

12 (5) Using cocaine on or before September 26, 2006, in violation of standard
13 condition number 7.

14 (6) Failing to report to the U.S. Probation Office on October 13, 2006, as
15 instructed by his probation officer, in violation of standard condition number 2.

16 (7) Failing to report for urinalysis testing as instructed, on August 10, 2006,
17 September 18 and 27, 2006, and October 5, 24, and 25, 2006, in violation of the special
18 condition of drug aftercare.

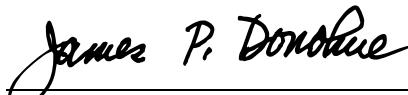
19 The defendant was advised of the allegations and of his rights, and admitted to
20 violations 2, 3, 5, 6, and 7. Defendant disputed whether alleged violation number 4 is, in
21 fact, a violation of a condition of his supervised release. After hearing arguments by the
22 defendant and the government, the Court finds that allegation number 4 is established as a
23 violation of the specific conditions of defendant's supervised release. The government
24 dismisses alleged violation number 1.

25 I therefore recommend that the Court find the defendant to have violated the terms
26 and conditions of his supervised release as to violations 2, 3, 4, 5, 6, and 7, and that the Court

01 conduct a hearing limited to disposition, and a challenge to the legal basis of violation
02 number 4. A disposition hearing has been set before the Honorable Ricardo S. Martinez on
03 Friday, November 17th, 2006, at 1:30 p.m.

04 Pending a final determination by the Court, the defendant has been detained

05 DATED this 13th day of November, 2006.

06 
07 JAMES P. DONOHUE
08 United States Magistrate Judge

09 cc: District Judge: Honorable Ricardo S. Martinez
10 AUSA: Ms. Jill Otake
11 Defendant's attorney: Mr. Peter Avenia
Probation officer: Ms. Jennifer Tien